

APPEAL NO. 032162
FILED SEPTEMBER 18, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on July 14, 2003. The hearing officer determined that the appellant's (claimant) _____, compensable injury does not include an injury to the low back, and that because the injury does not extend to include a low back injury, the claimant does not have disability. The claimant appealed, arguing that the hearing officer's extent-of-injury and disability determinations are against the great weight and preponderance of the evidence. In its response, the respondent (self-insured) urges affirmance.

DECISION

Affirmed, as reformed.

The hearing officer erroneously listed (wrong date of injury) as the date of the compensable injury in the decision and Conclusion of Law No. 3. We reform Conclusion of Law No. 3 and the decision to reflect the correct date of the compensable injury _____.

The hearing officer did not err in making the complained-of extent-of-injury and disability determinations. The hearing officer specifically found that the claimant's fall onto her knees on _____, did not result in a worsening of her low back condition and did not cause a low back injury. Further, the hearing officer found that the claimant's bilateral knee condition did not render her unable to obtain and retain employment at wages equivalent to her preinjury wages. The complained-of determinations presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). This is so even though another fact finder might have drawn other inferences and reached other conclusions. Salazar, et al. v. Hill, 551 S.W.2d 518 (Tex. Civ. App.-Corpus Christi 1977, writ ref'd n.r.e.).

The hearing officer's decision and order are affirmed, as reformed.

The true corporate name of the self-insured is **CHRISTUS SPOHN HEALTH SYSTEM CORPORATION** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Margaret L. Turner
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Thomas A. Knapp
Appeals Judge